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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION THREE

THE PEOPLE,

Plaintiff and Respondent,

v.

CARNELL E. PRATT,

Defendant and Appellant.

B272188

(Los Angeles County
Super. Ct. No. BA083517-01)

APPEAL from an order of the Superior Court of Los Angeles County,
David M. Horwitz, Judge. Affirmed.

Elizabeth K. Horowitz, under appointment by the Court of Appeal, for
Defendant and Appellant.

No appearance for Plaintiff and Respondent.

In 1994, defendant Carnell E. Pratt pled guilty to second degree robbery (Pen. Code,¹ § 211), and admitted a firearm enhancement (§ 12022.5, subd. (a)). Pratt was sentenced to a total of six years in state prison.

Pratt filed an application in February 2016 to designate his felony conviction for second degree robbery as a misdemeanor under Proposition 47, the Safe Neighborhoods and Schools Act (§ 1170.18). On March 24, 2016 the trial court denied the application, finding that the offense did not qualify as a misdemeanor under Proposition 47. Pratt filed a timely notice of appeal from that order.

We appointed counsel to represent Pratt on appeal. After examining the record, Pratt's counsel filed an opening brief under *People v. Wende* (1979) 25 Cal.3d 436, identifying no arguable issues and requesting this court to conduct an independent review of the record. On August 19, 2016, we notified Pratt he had 30 days to submit in writing any issues or contentions he wanted us to consider. Although Pratt received an extension of time to October 18, 2016 to file a supplemental brief, he did not file a response.

Proposition 47 reclassified certain drug and theft offenses, which had previously been felonies or “wobblers,” as misdemeanors. (*In re J.L.* (2015) 242 Cal.App.4th 1108, 1112.) Robbery, however, is a serious and violent felony not subject to recall of sentence under Proposition 47. (§§ 211, 667.5, subd. (c)(9), 1170.18, 1192.7, subd. (c)(19); *People v. Lynn* (2015) 242 Cal.App.4th 594, 599.) We have reviewed the entire record and are satisfied Pratt's counsel has complied fully with her responsibilities as counsel and no arguable issues exist. (*People v. Kelly* (2006) 40 Cal.4th 106, 119.)

¹ All undesignated statutory references are to the Penal Code.

DISPOSITION

The trial court's order denying Pratt's application is affirmed.

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LAVIN, J.

WE CONCUR:

EDMON, P. J.

STRATTON, J.*

* Judge of the Los Angeles Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.